

INDIANA LEGISLATURE.

[Omissions and curtailments of this report for want of space in these columns will appear in an appendix to Volume XXIII of the Review Legislative Reports.]

FRIDAY, April 10, 1885.
IN SENATE.
SCHOOL FUND LOANS.

On motion by Mr. WEIR the bill (H. R. 48) to amend Sections 4,373 and 4,374 of the Revised Statutes was read the third time and passed by yeas 28, nays 12.

Mr. WEIR explained it allows the loaning of money to citizens of other counties, and in sums not to exceed \$5,000, the County Commissioners to appoint the appraisers; or not to exceed one-fourth the value of the property without improvement. There are seventeen counties in the State unable to loan this money. The county I live in has from \$15,000 to \$20,000 it can not loan. The county is responsible for the money and has to pay the interest on it.

DANGEROUS TOYS.

On motion by Mr. SHIVELY the bill (H. R. 139) to prohibit the sale of dangerous toys was read the third time and passed by yeas 38, nays 4.

SPECIFIC APPROPRIATION BILL.

Mr. WILLARD called up the special order, being the Specific Appropriation bill, H. R. 487.

Mr. FAULKNER made an ineffectual motion—yeas, —; nays, —; to indefinitely postpone the bill.

On motion by Mr. WILLARD the Senate resolved itself into a Committee of the Whole (Mr. Willard in the chair) and proceeded to the consideration of the specific bill.

The bill having been read through the reading by items was commenced. Item 2, to allow \$18 to Thomas Hanna for services as a member of a commission to represent the State in law suits against corporations, being read—

Mr. BROWN moved to strike this item from the bill.

Mr. HILLIGASS: From the standpoint that if a citizen has rendered services to the State the State should pay the claimant, such items should not be stricken out without information. The House has passed these items, it is fair to suppose after the investigation, and they should not be stricken out unless found to be incorrect.

Mr. MCINTOSH: My plan is if I don't know the claim is right to vote against it.

On motion by Mr. CAMPBELL, of Hendricks, the item was allowed to stand.

The item allowing \$3,850 to Perrin & Gaff Manufacturing Company, for buildings erected at the State Prison, being read—

Mr. BOOVER said this is a just claim and should be paid. He moved it be allowed to stand.

Mr. HUSTON: I know that contractors render bills monthly for repairs, which are allowed; they pay some forty-five to fifty cents a day for convict labor and they charge the State \$2 and \$3 a day for such labor. I move the committee rise, report progress and recommend that the bill be referred to a special committee of three with instructions to report at 2 o'clock.

Mr. CAMPBELL, of Hendricks, moved as a substitute that this item be passed till the close of the consideration of the bill by the committee.

Mr. CAMPBELL, of St. Joseph: Under the care of the three Directors and the Warden, these buildings have been constructed, as to whether it was done right we must leave to these officers.

Mr. MACY: I have no information in reference to these items—he said as a member of a Finance Committee in answer to a question.

Mr. FAULKNER: This bill has never been before the Finance Committee of the Senate, and nobody seems to know anything about it.

The motion to pass this item till the bill is considered, was agreed to upon a division. Item 4 being read—to allow a special Judge \$129.99—

Mr. BROWN moved to strike it out.

Mr. CAMPBELL, of Hendricks, moved as a substitute to pass the item to the foot of the bill.

Mr. RAHM: The Finance Committee should consider and report on this bill, as no Senator seems to be able to give information sufficiently reliable upon which to act unadvisedly.

Mr. WINTER: Section 416 of the Revised Statutes makes provision for the payment of such claims.

The CHAIRMAN (Mr. Willard): This bill has never been referred to the Committee on Finance. When it first came into the Senate I made an unsuccessful effort to have it so referred.

Mr. WEIR: We are fooling away a good deal of time. I move that the committee rise, report progress, and ask to sit again.

The CHAIRMAN: The question is now on a substitute offered by the Senator from Hendricks.

The substitute was adopted, upon a division—affirmative, 28; negative, 18.

Mr. WEIR: I now move that the committee rise, report progress, and ask leave to sit again at 3 o'clock.

Mr. FOULKE: I think this bill ought to be disposed of as far as possible now, and in Committee of the Whole.

Mr. DAVIS: I think it apparent it is a waste of time to consider items about which no member is able to give any reliable information.

Mr. SMITH, of Jennings: The Committee on the Judiciary has taken on the Martin claim \$220 worth of testimony; the committee has worked weeks on it, and spent night after night in the Finance Committee the probability is that it will never come back.

Mr. FOULKE: This bill has passed the House, and presumably its provisions are just. After the Senate passes the bill a committee of conference will be at once appointed, and the House conferees can explain to the Senate members of the conference committee. I think the motion ought not to prevail.

Mr. HILLIGASS: I think the motion ought to prevail, and let the Finance Committee examine this bill.

Mr. MAGEE: I think the best way to consider this bill is in Committee of the Whole. I am a member of the Finance Committee, and I don't know anything about it.

Mr. WINTER: There are several items members of the Senate can act as intelligently upon now as they can a week hence. The best way to get through is to go ahead.

Mr. WEIR withdrew his motion.

Mr. HILLIGASS renewed it.

Mr. FAULKNER: If this bill is not sent to the committee to report on I shall vote against the last dollar in the bill.

The motion that the committee rise was rejected upon a division.

The three similar items following were passed to the end of the bill.

The item allowing \$200 to Judge Thomas F. Davidson for services as special judge being read—

Mr. MARSHALL read the itemized bill for these services. At that time the law

allowed pay for special services. I don't think there is anything wrong about this claim. I move that it be allowed.

Mr. FAULKNER: The Senator pleads on the honor and justice of his men. It didn't cost them a cent to make these claims. These judges are drawing \$2,500 a year out of the State Treasury, and I say it is unrighteous to pay them one dollar for extra work.

The committee took a recess till 2 o'clock.

AFTERNOON SESSION.

Item 7 to allow to Marion County for light and fuel for 1879 and 1883 \$3,000, being read—

Mr. SCHLOSS made an ineffectual motion to reduce the sum to \$1,500.

The item of \$3,000 was agreed to.

Items 8 to allow \$172.73 to C. Loy for sixteen head of cattle furnished to Indiana Reform School being read—

Mr. CAMPBELL, of Hendricks, stated that Mr. Ainsworth, former Superintendent, gave him a check for the items contained in numbers 8 and 9.

These items were severally allowed.

Item 10 was allowed.

Item 12 to pay \$5,000 interest on the debt of the State Board of Agriculture being read—

Mr. FAULKNER moved, ineffectually, to strike it out. Every Legislature I have been in this board comes here for money to keep up a fancy place for fast horses and dogs, to which most of the people of Indianapolis have free passes, while the farmer who comes here has to pay his fifty cents to get in.

Mr. HILLIGASS: The Board of Agriculture owes \$40,000; the State has guaranteed the bonds for this debt, and this \$5,000 is to pay the interest due on these bonds.

The item was adopted, as were also items 13 and 14.

On motion by Mr. FAULKNER the item to allow B. Rosenthal for goods furnished the State for the Prison South—\$2,034—was stricken out.

Mr. DAY moved to add an item of \$1,944.12 for goods and materials furnished the Prison South, during the Wardenship of Colonel L. S. Shuler, by Arthur P. Main.

Mr. BENZ: That is an unjust claim. He got his claim. It has been here in the Legislature of 1879 and 1881.

Mr. DAY: The car company made a settlement with Mr. Shuler. Mr. Main accepted the note of the car company, and the company failed, and Mr. Main has never got anything.

On motion by Mr. CAMPBELL, of Hendricks, the item was passed to the end of the bill.

The item to allow Simon P. Thompson \$785 for expenses and services as an attorney in the recovery of real estate in Newton County being read—

Mr. SELLERS moved to reduce the sum to \$500.

The motion was agreed to upon a division—affirmative, 29; negative, not counted.

Item 16 to allow \$200 to a member of the Ohio River Commission being read—

Mr. RAHM moved to add to Marcus M. Sulzer and J. August Louche each \$100 for services as members of this Ohio River Commission. He said the board was composed of some four or five members; \$100 will pay their actual expenses.

Mr. HILL: I am somewhat acquainted with one of these commissioners who made several trips East. There was an application for an allowance two years ago, but there was some irregularity about the bill and they never got anything. Not only that, but they paid their own expenses.

Mr. FAULKNER moved, ineffectually, to amend by placing this at the end of the bill for consideration hereafter. I would like to see the record of men who will pay for sending men to Washington to lobby.

The amendment was agreed to upon a division—affirmative, 18; negative, 10.

Item 17 was allowed.

Item 18, to allow \$360 to estate of John M. Pettit, for forty-five days service as Judge, being read—

Mr. DAVIS explained the claim. I move to adopt the item.

Mr. WINTER offered a substitute, reducing the sum to \$180, the compensation the law allowed at that date.

The substitute was adopted.

Item 19, to allow \$750 for an iron fence around the Tippecanoe battle ground, was agreed to after remarks by Mr. Johnson, of Tippecanoe.

Items 20 and 21 were agreed to.

Item 22, to allow \$2,498.78 to William B. Barford, for interest on amount due for public printing, allowed by this Assembly, was adopted, as was also the last item number twenty-three.

Mr. WEIR moved to amend to allow J. C. Johnson \$600 and \$400 to G. B. F. Cooper for second and third best plans of specifications for the State House at the request of the Commission on Claims of the House.

Mr. HILLIGASS: I hope this amendment will not be adopted.

Mr. MCINTOSH: I think we had better vote this claim down.

Mr. WEIR: There is no dispute but that a reward has been offered for the three best plans, and these plans have been used.

The amendment was rejected upon a division.

Mr. MAGEE moved to amend by appropriating to purchase a plot of twelve acres of ground adjoining the 100 acre grounds of the Leagues Hospital for the Insane, \$2,000.

Mr. BROWN understood this ground can be bought for \$1,500.

Mr. MAGEE: The owner was here yesterday and said his price was \$2,000. Some day the State will be compelled to have this ground and money will be made by purchasing it now.

Mr. MCINTOSH: This is an early commencement to ask for an appropriation before the building is erected. We have to have money to pay for these buildings, and in twenty years we can buy this ground for this amount of money. We have now 312 acres there.

The amendment was rejected.

Mr. JOHNSON, of Tippecanoe, moved to allow Bert Davidson for services as stenographer in making a transcript \$55, at the request of the Attorney General.

The amendment was rejected.

Mr. BAILEY moved to amend item 9 by allowing John R. Rankin \$60 for printing done for the House of Refuge under the administration of Superintendent Ainsworth in 1879.

Mr. BENZ: I was in the Legislature ever since 1877, and I never heard a word about that bill.

The amendment was agreed to upon a division—affirmative, 17; negative, 15.

Mr. ENSLEY moved to allow Teresa and Charles Bechtell \$1,000 for damages on account of the death of their father at the Insane Hospital through carelessness of employees.

Mr. WINTER: That would be unconstitutional. [Reads Section 120 of Revised Statutes of 1881.]

The amendment was agreed to upon a division—affirmative, 21; negative not counted.

Mr. WINTER moved to amend by allowing \$500 to Dye & Finckh for services rendered the Provisional Board of the Hospital for the Insane in the case of John Martin against said board in 1881.

Mr. BAILEY moved to amend by allowing for Brevier Legislative Reports heretofore authorized, ordered, accepted and bound by the State; and also for these reports of the debates of the present Assembly.

The amendments were agreed to.

Mr. SMITH, of Delaware, moved to add \$1,700, to wit: To George H. Fleming, \$500;

Cyrus F. Nixon and Arson M. Tyler, each \$500 for services in the publication of Revised Statutes of 1881. He said in 1881 the Board of Revision were empowered to employ a clerk and two proof readers, and it was found necessary to work them from eighteen to twenty hours a day. They worked over 200 days and were paid \$3 a day, and they now present a bill for extra labor. In support of that claim we have the affidavits of the three Judges who composed that board. They all say this claim should be paid.

The amendment was adopted.

Mr. WILLARD moved to amend by adding \$200 a year additional for the moral instruction of the Prison South.

Mr. McCULLOCH moved to insert the sum of \$500.

The motion was agreed to.

On motion by Mr. MCINTOSH the committee rose and the Chairman reported progress and asked leave to sit again at 10 o'clock to morrow morning.

The report of the Committee of the Whole was concurred in.

RELOCATION OF COUNTY SEATS.

Mr. YOCHE moved that the Senate refuse to concur in the House amendments to the bill S. 205 and ask for a Committee of Free Conference.

The motion was agreed to and the Lieutenant Governor appointed Messrs. Smith, of Jennings, and Yocche, such committee on the part of the Senate.

TELEPHONE RENTALS.

Mr. WILLARD contended that the Telephone Rental bill (H. R. 44) had precedence as the special order.

Mr. FOULKE insisted the John Martin claim bill is the special order.

The Lieutenant Governor decided the Telephone Rental bill had precedence.

The bill H. R. 44 was read, the question being on concurring in the minority recommendation of the passage of the bill.

Mr. FOULKE: I believe any one having an interest in any bill has the right to speak with members concerning it, but on this measure no one has spoken to me in regard to this bill. I object to its passage. I have myself had trouble with the telephone company in my town. We took an oath to support the constitution, and this bill in its direct violation of the fundamental law of both the State and Nation; and were it not the passage of the bill would be nothing more than the plunder of property. I shall oppose any kind of legislation which proposes to take property from one and give it to another. To protect the fruits of human inventive genius national laws have been enacted which States can not contravene, except so far as is necessary to insure the proper police regulation.

This has been settled by the adjudication of the highest court in the country. The Constitution of Indiana prescribes that no man's personal property shall be taken without just compensation. The company show that under this bill the Telephone Company can not do business in this State. They say they are only making a profit of 25 per cent on the cost of the plant. If this bill be passed it will work an absolute outrage.

Pending the consideration of the bill—The Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, April 10, 1885.

DOMESTIC FIRE INSURANCE.

Mr. REITER introduced a bill (H. R. 569) authorizing citizens of any county to form voluntary associations for the purpose of insuring their property against fire or lightning, and moved a suspension of the constitutional rule so that it might be placed on its passage, explaining that its purpose was simply to allow farmers and others to the number of ten or more to form mutually protective associations for the purpose of insuring their property.

The motion to suspend the rules prevailed—yeas, 74; nays, 5—and the bill passed—yeas, 67; nays, 7.

STATE NORMAL SCHOOL.

Mr. SMITH, of Tippecanoe, introduced a bill (H. R. 570) relieving the city of Terre Haute from any further liability in the matter of keeping up the repairs on the State Normal School building, and moved a suspension of the constitutional rules to put it on its passage. He explained that, by a previous contract, the city of Terre Haute had agreed with the State to furnish certain grounds and pay \$50,000 of the cost of the building, and to pay half the expenses of the repairs, on condition that the city should be allowed to use the building for High School purposes. Recently an argument has been made by which Terre Haute was to give up her vested rights, and it was proposed that the State should recede from the exactions made on her part.

Mr. WILLIAMS said that the bill proposed to break a solemn compact made by the city of Terre Haute, which promises for all time to pay half the expense of repairs on the building. That city made certain obligations, in consideration of which the State Normal School was to be located there, and now it is desired to break them. There is no hardship in it—it is right and should be lived up to. The motion to suspend the rules was withdrawn.

STATE ASYLUM TRUSTEES.

Mr. WILSON introduced a bill (H. R. 571) providing for the better government of the State benevolent institutions, and moved for a suspension of the constitutional rules, saying that the bill proposed to reorganize the benevolent institutions and provide for the appointment of non-partisan boards.

Mr. GOODING moved to refer the bill to the Committee on Benevolent Institutions, which was agreed to—yeas, 52; nays, 22.

TOWN ASSESSOR ABOLISHMENT.

The bill (S. 67) concerning the collection of taxes was read the third time.

Mr. TWINEHAM said that this was a measure in the interest of economy and reform, for it simply provided that incorporated towns might, if they so desired, arrange matters so that the Township Assessors might make the town assessment and the County Treasurer collect the municipal taxes, instead of having separate officers for this work.

The bill passed—yeas, 83; nays, 3.

POLLS OPENING.

The bill (S. 148) authorizing the opening of polls on election days at 6 o'clock a. m. was called up by Mr. HAYDEN, and another vote was taken, resulting in the passage of the bill—yeas, 98; nays, 12.

THE GENERAL APPROPRIATION BILL.

Mr. McMULLEN, from the Committee of Conference on the General Appropriation bill, presented a report of the compromise. The charges which had been agreed upon were explained by Mr. McMullen—see Senate proceedings.

Mr. BROWNLEE stated that the Committee had been harmonious, and that the report was the best that could be agreed upon. The report of the Committee on Finance Committee was concurred in by yeas 89, nays 1.

Pending the roll-call—

Mr. GORDON, explaining: I want to say one word of farewell to this conflict. While I have been opposed to some of the increased appropriations proposed in the Senate amendments, and though the bill is still without its objectionable features, I am pleased somewhat with the work of the Conference Committee in reducing the amount of the appropriations more than \$28,000. Be-

lieving that there should be an appropriation bill passed, and that this is the best we can get under the circumstances, I shall vote "yea."

Mr. LOYD, when his name was called: Although I have said that I would oppose to the last allowing one dollar to these educational institutions, I am constrained from a desire to uphold the Conference Committee and secure the passage of the bill, to vote "yea."

Mr. STALEY, in explanation of his vote: I am in favor of sustaining the conference committee in the report which it has presented, but I desire to say that this educational institution is on trial, and if it does not in the next two years show itself to be a more worthy child of the State, it can not expect to receive further support.

Speaker JEWETT, when his name was called said: "The practical unanimity of the vote on this report is highly gratifying to the Speaker. I felt sure that the gentlemen appointed as conferees would fairly represent the views of the House and fully justify their selection by me. They were appointed under very delicate conditions, in view of the fact that it had been intimated on the floor that a partisan committee on conferees would be appointed to attend the conference, and I think the gentlemen, and cheerfully vote "yea."

TEACHERS' INSTITUTES.

The bill (S. 151) to amend the common school law, so as to give to teachers a day's wages for attending township institutes was read the third time.

Mr. PLEASANTS said that the bill contained some features which he thought were not right. He didn't think it right to compel all teachers, under all circumstances, to attend institutes, and to make them forfeit a day's pay for failure to do so. If enacted this bill would compel lady teachers to travel many miles to attend institutes.

Mr. STALEY: This bill has been introduced by a great many teachers and leading educators, who believe that it will help to increase the attendance and interest at institutes. For this reason I support it.

Mr. ROBINSON, in opposition to the bill because it allows the teachers extra pay for attending institutes.

Mr. MOODY: I am in favor of this bill. For many years we have had a law on our statute requiring teachers to attend Township Institutes without pay, and in case they failed to attend them one day's wages is taken from them. This law is wrong. It is in violation of the bill of rights, which provides that "no man's particular services shall be demanded without just compensation."

Again, I am in favor of this bill for the reason the pay will be an incentive to a full attendance at these institutes, where teachers meet and receive mutual benefit by comparing methods and modes of teaching. School teaching is no longer an ordinary calling but is a science, and to-day ranks among the highest of the liberal professions, and this bill I am satisfied is a step in the right direction, and I hope it will receive the hearty approval of this House.

The bill failed to pass for want of a constitutional majority—yeas, 48; nays, 32.

SOLDIERS' MONUMENTS.

The bill 148 empowering County Commissioners to appropriate money for the erection of soldiers' monuments, was read the third time and passed—yeas 61, nays 15.

The bill to amend Section 4 of the act providing for the construction of plank or gravel roads, was read a third time.

Mr. KELLISON explained that the only soldiers' monuments in the present law was to allow free holdlers to remonstrate against the proposed construction of a road, and have a hearing before the County Commissioners.

The bill passed—yeas, 58; nays 12.

Local Courts.

SUPERIOR COURT.

Room No. 1—Hon. N. B. Taylor, Judge.

Mary A. Langston vs. Leander Langston. Divorce. Dismissed.

Charles F. Schrader, administrator, et al. vs. Eagle Machine Works. On contract. Dismissed.

William J. Schockley vs. James Duffey et al. Suit on account. On trial by jury.

Room No. 2—Hon. D. W. Howe, Judge.

Francis W. Pigg vs. Sarah Catharine Pigg et al. New trial refused.

Frank M. Wright vs. the city of Indianapolis. New trial refused.

George W. Waggoner et al. vs. Mechanics' lien. On trial by court.

J. G. Walker vs. John S. Gaylord. Note. Judgment for \$56.10.

Letitia D. Sewall vs. Joseph C. Sewall. Dismissed.

Cabinetmakers' Union vs. Augustus C. Neal et al. Dismissed.

Samantha Kelly vs. Jacob Cronin. Dismissed.

H. J. Haskins vs. Elizabeth Haskins. Dismissed.

G. G. Millemann vs. Louisa Millemann. Dismissed.

Altman Miller vs. J. G. Clark et al. Dismissed.

John W. Richardson vs. Sophia Stearns. Dismissed.

John Kelly vs. George W. Ely et al. Dismissed.